

By: Morrison

H.B. No. 3015

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the tuition charged to students of institutions of
3 higher education.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 54.008, Education Code, is amended to
6 read as follows:

7 Sec. 54.008. Tuition Rate Set by Governing Board. The
8 governing board of an institution of higher education shall set
9 tuition for the institution as provided by Subchapter B of this
10 chapter.

11 ~~[(a) The tuition rates provided by Subchapter B of this~~
12 ~~chapter are minimum rates. Except as provided by Subsections (e),~~
13 ~~(f), and (g), the governing board of each institution of higher~~
14 ~~education shall set tuition for graduate programs for that~~
15 ~~institution at a rate that is at least equal to that prescribed by~~
16 ~~Subchapter B, but that is not more than twice the rate prescribed by~~
17 ~~Subchapter B. Between the maximum and minimum rates, the board may~~
18 ~~set the differential tuition among programs offered by an~~
19 ~~institution of higher education.~~

20 ~~[(b) The governing board of a university system is not~~
21 ~~required to set uniform tuition rates for graduate programs among~~
22 ~~the component institutions of the system.~~

23 ~~[(c) The limit on tuition rates provided by Subsection (a)~~
24 ~~of this section does not apply to tuition at a public junior~~

1 college.

2 ~~[(d) The difference between the minimum rate prescribed by~~
3 ~~Subchapter B of this chapter and that set by the governing board of~~
4 ~~an institution of higher education for an institution shall not be~~
5 ~~accounted for in an appropriations act in such a way as to reduce~~
6 ~~the general revenue appropriations to that institution.~~

7 ~~[(e) The governing board of an institution of higher~~
8 ~~education shall set tuition for an optometry program at the~~
9 ~~institution at a rate that is at least equal to the rate prescribed~~
10 ~~by Subchapter B of this chapter but not more than four times the~~
11 ~~rate prescribed by Subchapter B of this chapter.~~

12 ~~[(f) The governing board of an institution of higher~~
13 ~~education shall set tuition for an undergraduate pharmacy program~~
14 ~~at the institution at a rate that is at least equal to the rate~~
15 ~~prescribed by Subchapter B but not more than twice the rate~~
16 ~~prescribed by Subchapter B. The governing board of an institution~~
17 ~~of higher education shall set tuition for a graduate or~~
18 ~~professional pharmacy program at the institution at a rate that is~~
19 ~~at least equal to the rate prescribed by Subchapter B but not more~~
20 ~~than three times the rate prescribed by Subchapter B.~~

21 ~~[(g) The governing board of an institution of higher~~
22 ~~education shall set tuition for a law school at the institution at a~~
23 ~~rate that is at least equal to the rate prescribed by Subchapter B~~
24 ~~but not more than three times the rate prescribed by Subchapter B.]~~

25 SECTION 2. Section 54.051, Education Code, is amended to
26 read as follows:

27 Sec. 54.051. Tuition Rates. (a) In this section:

1 (1) "Coordinating board" means the Texas Higher
2 Education Coordinating Board.

3 (2) "General academic teaching institution,"
4 "institution of higher education," and public junior college" have
5 ~~has~~ the meanings assigned by Section 61.003[~~(3)~~] of this code.

6 (3) [~~"Medical and dental unit" has the meaning~~
7 ~~assigned by Section 61.003 of this code.~~] "Tuition and required
8 fees" includes tuition, service fees, lab fees, building use fees,
9 and all other required fees except room, board, or clothing fees or
10 deposits in the nature of security for their return or proper care
11 of property.

12 [~~(4) "Public junior college" has the meaning assigned~~
13 ~~by Section 61.003(2) of this code.~~]

14 (b) Except as provided by Subsections (c), (f), and (h),
15 [~~¶~~]the governing board of each institution of higher education and
16 of the Texas State Technical College System shall cause to be
17 collected from students registering at the institution tuition or
18 registration fees [at the rates prescribed in this section] in the
19 amount and under the terms the governing board considers necessary
20 for the effective operation of the institution

21 (c) [~~Unless a different rate is specified by this section,~~
22 ~~tuition for a resident student at a general academic teaching~~
23 ~~institution is \$50 per semester credit hour.] A general academic
24 teaching institution may not charge an undergraduate student
25 attending the institution who is entitled to pay the tuition, fees,
26 and other fees or charges provided for Texas residents an amount of
27 tuition and required fees, minus financial assistance other than~~

1 loans, that exceeds 5 percent of the gross family income of the
2 student.

3 (d) ~~[Unless a different rate is specified by this section,~~
4 ~~tuition for a nonresident student at a general academic teaching~~
5 ~~institution or medical and dental unit is an amount per semester~~
6 ~~credit hour equal to the average of the nonresident undergraduate~~
7 ~~tuition charged to a resident of this state at a public state~~
8 ~~university in each of the five most populous states other than this~~
9 ~~state, as computed by the coordinating board under this subsection.~~
10 ~~The coordinating board shall set the tuition rate provided by this~~
11 ~~subsection for each academic year and report that rate to each~~
12 ~~appropriate institution not later than January 1 of the calendar~~
13 ~~year in which the academic year begins, or as soon after that~~
14 ~~January 1 as practicable. In computing the tuition rate, the~~
15 ~~coordinating board shall use the nonresident tuition rates for the~~
16 ~~other states in effect for the academic year in progress when the~~
17 ~~board makes the computation.] A general academic teaching
18 institution may use available sources of financial aid, other than
19 loans, to cover any difference in the actual amount of tuition and
20 required fees at the institution and an amount equivalent to 5
21 percent of the gross family income of a student.~~

22 ~~[(c) Tuition for a resident student registered only for~~
23 ~~thesis or dissertation credit that is the final credit hour~~
24 ~~requirement for the degree in progress is determined by the~~
25 ~~governing board of the institution in which the student is~~
26 ~~enrolled.] The coordinating board shall adopt guidelines for
27 determinations of the total projected cost of tuition and required~~

1 fees and for determinations of the gross family income of students.

2 ~~[(f) Tuition for a resident student enrolled in a program~~
3 ~~leading to an M.D. or D.O. degree is \$6,550 per academic year.~~
4 ~~Tuition for a nonresident student enrolled in a program leading to~~
5 ~~an M.D. or D.O. degree is an amount per year equal to three times the~~
6 ~~rate that a resident student enrolled in a program leading to an~~
7 ~~M.D. or D.O. degree would pay during the corresponding academic~~
8 ~~year.~~

9 ~~[(g) Tuition for a resident student enrolled in a program~~
10 ~~leading to a D.D.S. degree is \$5,400 per academic year. Tuition for~~
11 ~~a nonresident student enrolled in program leading to a D.D.S.~~
12 ~~degree is an amount per year equal to three times the rate that a~~
13 ~~resident student enrolled in a program leading to a D.D.S. degree~~
14 ~~would pay during the corresponding academic year.~~

15 ~~[(h) Tuition for a resident student enrolled in a program~~
16 ~~leading to a D.V.M. degree is \$5,400 per academic year. Tuition for~~
17 ~~a nonresident student enrolled in a program leading to a D.V.M.~~
18 ~~degree is an amount per year equal to three times the rate that a~~
19 ~~resident student enrolled in a program leading to a D.V.M. degree~~
20 ~~would pay during the corresponding academic year.~~

21 ~~[(i) Tuition for a resident student registered at a law~~
22 ~~school is \$80 per semester credit hour. Tuition for a nonresident~~
23 ~~student registered at a law school is the amount that can be charged~~
24 ~~a nonresident graduate student under Subsection (d) and Section~~
25 ~~54.008.~~

26 ~~[(j) Tuition for a student registered in a program leading~~
27 ~~to a degree in nursing or in an allied health profession is the same~~

1 ~~as for students with the same residency registered at a general~~
2 ~~academic teaching institution.~~

3 ~~[(k)]~~ (f) Tuition for a resident student registered at the
4 Texas State Technical College System is the greater of \$50 or an
5 amount set by the governing board of the system at not less than \$16
6 per semester credit hour. Tuition for a nonresident student
7 registered at the Texas State Technical College System is an amount
8 set by the governing board of the system at not less than \$80 per
9 semester credit hour.

10 ~~[(l)]~~ ~~Resident students or nonresident students registered~~
11 ~~for a course or courses in art, architecture, drama, speech, or~~
12 ~~music, where individual coaching or instruction is the usual method~~
13 ~~of instruction, shall pay a fee, in addition to the regular tuition,~~
14 ~~set by the governing board of the institution.~~

15 ~~[(m)]~~ (g) Unless the student establishes residency as
16 provided by Section 54.052(j) or 54.057, tuition for a student who
17 is a citizen of any country other than the United States of America
18 is the same as the tuition required of other nonresident students.

19 ~~[(n)]~~ (h) Tuition for a resident student registered in a
20 public junior college is determined by the governing board of each
21 institution, but the tuition may not be less than \$8 for each
22 semester credit hour and may not total less than \$25 for a semester.
23 Tuition for a nonresident student is determined by the governing
24 board of each institution but the tuition may not be less than \$200
25 for each semester.

26 SECTION 3. Section 54.0512, Education Code, is repealed.

27 SECTION 4. Section 54.0513, Education Code, is repealed.

1 SECTION 5. Section 54.0514, Education Code, is repealed.

2 SECTION 6. Section 54.062, Education Code, is amended to
3 read as follows:

4 Sec. 54.062. Tuition Limit in Cases of Concurrent
5 Enrollment.

6 When a student registers at more than one public institution
7 of higher education at the same time, his tuition charges shall be
8 determined in the following manner:

9 (1) The student shall pay the full tuition charge to
10 the first institution at which he is registered~~[, and in any event~~
11 ~~he shall pay an amount at least equal to the minimum tuition]~~ as
12 specified in this code.

13 (2) ~~[If the minimum tuition specified in this code for~~
14 ~~the first institution at which the student is registered is equal to~~
15 ~~or greater than the minimum tuition specified in this code for the~~
16 ~~second institution at which the student is registered concurrently,~~
17 ~~the student shall not be required to pay the specified minimum~~
18 ~~tuition charge to the second institution in addition to the tuition~~
19 ~~charge paid to the first institution, but shall pay only the hourly~~
20 ~~rates, as provided in this code, to the second institution.]~~ The
21 student shall pay to the second institution at which he is
22 registered only the hourly rates set by the governing board of that
23 institution. Nothing in this subsection shall be so construed as to
24 limit the authority of a governing board of an institution of higher
25 education to set tuition rates under Sections 54.008 and 54.051 of
26 this code.

27 ~~[(3) If the minimum tuition specified in this code for~~

1 ~~the first institution at which the student is registered is less~~
 2 ~~than the specified minimum tuition charge at the second institution~~
 3 ~~(that is, if the second institution has a higher minimum tuition~~
 4 ~~charge specified in this code), then the student shall first~~
 5 ~~register at the institution having the lower minimum tuition and~~
 6 ~~shall pay to the second institution only the amount equal to the~~
 7 ~~difference between his total tuition charge at the second~~
 8 ~~institution and his total tuition charge at the first institution,~~
 9 ~~but in no case shall the student pay to the second institution less~~
 10 ~~than the hourly rates as provided in this code.]~~

11 [~~(4)~~] (3) If a student is considered to be a Texas
 12 resident and therefore qualified to pay Texas resident tuition
 13 rates by one institution at which he is registered, that student
 14 shall be considered a Texas resident at each of the institutions at
 15 which he is concurrently registered for the purposes of determining
 16 the proper tuition charges. Nothing in this subsection shall be so
 17 construed as to allow a nonresident to pay resident tuition except
 18 at institutions covered by Section 54.060 of this code.

19 SECTION 7. Subsection 56.033, Education Code, is amended to
 20 read as follows: Sec. 56.033. Source of Program
 21 Funding (a) The governing board of each institution of higher
 22 education, including the Texas State Technical College System,
 23 shall cause to be set aside:

24 (1) not less than [~~15~~] 7.5 percent nor more than [~~20~~]
 25 10 percent out of each resident student's tuition charge under
 26 Section 54.051 as provided by the General Appropriations Act for
 27 the applicable academic year;

1 (2) three percent out of each nonresident student's
2 tuition charge [~~under Section 54.051~~];

3 (3) not less than six percent nor more than 20 percent
4 out of each resident student's hourly tuition charge, and \$1.50 out
5 of each nonresident student's hourly tuition charge, for academic
6 courses at a public community or junior college; and

7 (4) not less than six percent nor more than 20 percent
8 of hourly tuition charges for vocational-technical courses at a
9 public community or junior college.

10 (b) Of the funds set aside under this section by an
11 institution, not less than 90 percent shall be used for Texas Public
12 Educational Grants and not more than 10 percent shall be used for
13 emergency loans under Subchapter D of this chapter.

14 (c) Except as otherwise provided by this subsection, funds
15 set aside for Texas Public Educational Grants under this section
16 from tuition paid by resident students may be used only for grants
17 awarded to resident students, and funds set aside for those grants
18 under this section from tuition paid by nonresident students may be
19 used only for grants awarded to nonresident students and students
20 who are citizens of countries other than the United States. After
21 the end of the sixth class week of each semester, if the financial
22 needs of eligible resident or nonresident students have been met,
23 an institution may transfer any excess funds set aside from tuition
24 paid by resident or nonresident students to the funds set aside for
25 grants awarded to the other class of students. Priority for
26 awarding grants from any excess funds set aside from tuition paid by
27 resident students shall be given to resident students.

1 (d) Interest earned from the funds set aside for Texas
2 Public Educational Grants may be spent only for grants to students
3 as provided by this subchapter.

4 SECTION 8. Subchapter H, Chapter 51, Education Code, is
5 amended by adding Section 51.4031 to read as follows:

6 Sec. 51.4031. REPORTS OF AFFORDABILITY AND ACCESS. Within
7 30 days of the end of each academic year, the chief executive
8 officer of each institution of higher education in the state shall
9 provide the governing board a report for the preceding fall,
10 spring, and summer semesters that examines the affordability and
11 access of the institution. This report shall include, but not be
12 limited to, percentages of the gross family income of resident
13 students required to attend the institution, criteria used to
14 determine admissions to the institution, analyses of the criteria
15 used by the institution for admissions and financial assistance in
16 terms of the mission of the institution and the purposes of higher
17 education in the state, and comparisons in terms of affordability
18 and access with peer institutions inside and outside the state.

19 SECTION 9. Subchapter A, Chapter 54, Education Code, is
20 amended by adding Section 54.0031 to read as follows:

21 Sec. 54.0031. EXPIRATION OF AUTHORITY TO IMPOSE TUITION AND
22 STUDENT FEES. (a) An institution of higher education, as defined
23 by Section 61.003, may not impose, charge, or collect tuition or a
24 fee authorized by this title from any student enrolled at the
25 institution for a term or semester that begins on or after September
26 1, 2008.

27 (b) This section does not apply to a charge or fee for goods

1 or services that are not provided as part of the institution's
2 academic program, such as a charge for housing or food service or
3 for attendance at athletic or cultural events, unless every student
4 not exempted by law from payment of the charge or fee who registers
5 at the institution is required to pay the charge or fee.

6 SECTION 10. This Act takes effect immediately if it
7 receives a vote of two-thirds of all the members elected to each
8 house, as provided by Section 39, Article III, Texas Constitution.
9 If this Act does not receive the vote necessary for immediate
10 effect, this Act takes effect September 1, 2003.